

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



GREGORY A. RICHARDSON,

Plaintiff,

v.

Civil Action No. 3:07CV488

JAMES SISK, et al.,

Defendants.

MEMORANDUM OPINION

Gregory Richardson, a Virginia inmate, has submitted this 42 U.S.C. § 1983 action. He also has applied to proceed in forma pauperis. A prisoner is precluded from proceeding in forma pauperis:

if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Richardson has had at least three prior actions and appeals dismissed as frivolous or for failing to state a claim. See, e.g., Gregory A. Richardson v. Sgt. Love, et al., 3:01cv385 (E.D. Va. Nov. 6, 2001); Gregory A. Richardson v. L. Lee, et al., 3:01cv211 (E.D. Va. Nov. 5, 2001); Gregory Richardson v. Washington, et al., 3:98cv727 (E.D. Va. May 26, 1999). Richardson's complaint does not demonstrate that he is in imminent danger of serious physical harm. Therefore, by Memorandum Order

entered on September 18, 2007, the Court denied Richardson's request to proceed in forma pauperis and directed Richardson to pay the \$350.00 filing fee within eleven (11) days of the date of entry thereof.

More than eleven (11) days have elapsed since the entry of the September 18, 2007 Memorandum Order and Richardson has not paid the full filing fee. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion to Richardson.

It is so ORDERED.

_____/s/ REP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: October 25, 2007